



ROCKWELL COLLINS, INC.

Attention: Kyle Eppele

M/S 124-323

400 Collins Rd. NE

Cedar Rapids IA 52498

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OFFICE OF PETITIONS

In re Application of
Patrick D. McCusker
Application No. 10/706,504
Filed: November 12, 2003
Attorney Docket No. 03CR163/KE

ON PETITION

This is a decision on the petition filed February 13, 2008 to withdraw the holding of abandonment, which is being treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before November 9, 2007 as was required by the Notice of Allowance mailed August 9, 2007. This application therefore became abandoned on November 12, 2007. Accordingly, a Notice of Abandonment was sent via email notification on December 178, 2007.

The file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that the Notice of Allowance was not received. In support, petitioner indicates that a search of the file jacket revealed that the Notice was not received and submits copies of pages from the docketing system and the file jacket, wherein receipt of the Notice would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2624 for a re-sending of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions